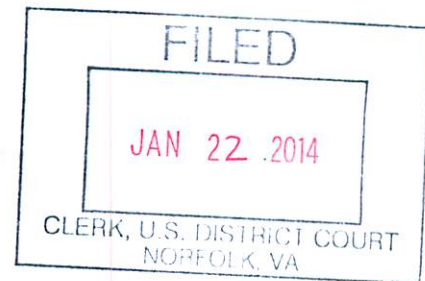


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



LARRY KENNETH SPEED,

Petitioner,

v.

CRIMINAL ACTION NO. 2:00cr92

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM ORDER

This matter is before the Court on Petitioner Larry Kenneth Speed Jr.'s Motion to Vacate, Set Aside or Correct a Sentence Previously Imposed pursuant to 28 U.S.C. § 2255 ("§ 2255 Motion"). Petitioner asks the Court to set aside or modify his sentence because he was recently informed that a defendant in a related case recanted statements that implicated Petitioner in criminal activities and offered to testify in Petitioner's defense. Petitioner characterizes this information as newly discovered evidence not previously available and accuses both the prosecutor and defense counsel of withholding this evidence from him and the sentencing court.

Title 28 U.S.C. § 2255 authorizes a person in federal custody to seek to vacate his sentence or conviction if either was improperly attained. Section 2255(h) provides that a "second or successive motion" must be certified by the appropriate court of appeals. Petitioner previously filed a § 2255 petition on April 1, 2002. This Court denied his first § 2255 petition on October 8, 2002. The instant motion is the second successive § 2255 Motion filed by Petitioner without a certificate of appealability from the United States Court of Appeals for the Fourth Circuit ("Fourth Circuit"). Because Petitioner has failed to obtain authorization from the Fourth Circuit

to file a successive petition, the Court lacks jurisdiction to consider this § 2255 Motion.


Accordingly, Petitioner's request is **DISMISSED** without prejudice to his ability to move the Fourth Circuit for leave to file a successive § 2255 petition.

The Court **DIRECTS** the Clerk to send Petitioner a copy of the instructions and form packet for "Filing Motion Under 28 U.S.C. § 2244 For Order Authorizing District Court to Consider Second or Successive Application for Relief Under 28 U.S.C. §§ 2254 or 2255." The Court **ADVISES** Petitioner that he may appeal this final order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, VA 23510. The Clerk must receive this written notice within sixty (60) days from this Order's date.

In addition, the Court **DIRECTS** the Clerk to send a copy of this Order to Petitioner and to the United States Attorney.

IT IS SO ORDERED.

Norfolk, Virginia
January 21, 2014



Raymond A. Jackson
United States District Judge